

**MINUTES OF THE  
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
APRIL 16, 2009**

The regular meeting of the Southwest Florida Regional Planning Council was held on April 16, 2009 at the offices of the Southwest Florida Regional Planning Council in Fort Myers, Florida. Chairman Jim Humphrey called the meeting to order at 9:12 a.m. Commissioner Butch Jones led the Prayer and the Pledge of Allegiance. Senior Administrative Staff Nichole Gwinnett conducted the roll call.

**MEMBERS PRESENT**

**Charlotte County:** Commissioner Tricia Duffy, Commissioner Robert Skidmore, Councilman Don McCormick, Mr. Alan LeBeau

**Collier County:** Commissioner Jim Coletta, Commissioner Frank Halas, Councilwoman Teresa Heitmann, Ms. Laura Holquist

**Glades County:** Commissioner Paul Beck, Commissioner Kenneth "Butch" Jones, Dr. Edward Elkowitz

**Hendry County:** Commissioner Tristan Chapman, Mayor Paul Puletti, Mr. Melvin Karau

**Lee County:** Commissioner Ray Judah, Mayor Mick Denham, Mayor Jim Humphrey, Mayor Jim Burch, Councilman Tom Babcock

**Sarasota County:** Commissioner Tom Jones

**Ex-Officio Members:** Mr. Johnny Limbaugh - FDOT, Mr. Jon Iglehart - FDEP, Mr. Phil Flood - SFWMD, Ms. Dianne Davies - SWFWMD

**MEMBERS ABSENT**

**Charlotte County:** Ms. Andrea Messina

**Collier County:** Councilman Charles Kiester

**Glades County:** Councilman Michael Brantley

**Hendry County:** Mayor Mali Chamness, Commissioner Karson Turner

**Lee County:** Commissioner Tammy Hall, Councilman John Spear

**Sarasota County:** Commissioner Carolyn Mason, Commissioner Jon Thaxton, Councilman Ernie Zavodnyik, Mr. David Farley, Mr. George Mazzarantani

**Ex-Officio Membership:** Ms. Tammie Nemecek - EDC of Collier County

Chairman Humphrey asked for a moment of silence for the family of Mr. Stanley W. Hole who was the President of Hole Montes Engineering and he was also a former member of the Regional Planning Council and also the South Florida Water Management District Board.

Chairman Humphrey introduced the following guests:

Mr. Chad McLeod, SWF Regional Director for US Senator Mel Martinez  
Mr. Ron Hamel, Executive Vice President General Manager for Gulf Citrus Growers

**AGENDA ITEM #1  
AGENDA**

Chairman Humphrey noted that there was a walk-on item, North Port Gardens DRI - Request for Sufficiency Response Extension which he suggested that it be placed under the Consent Agenda.

Mr. LeBeau requested that the North Port Gardens DRI item be placed under the Administrative Agenda at Agenda Item #4(d) for discussion purposes.

**AGENDA ITEM #2  
MINUTES OF MARCH 19, 2009**

Commissioner Judah moved and Commissioner Halas seconded to approve the minutes of March 19, 2009. The motion carried unanimously.

**AGENDA ITEM #3  
CONSENT AGENDA**

Commissioner Halas moved and Commissioner Judah seconded to approve the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for March 31, 2009; Agenda Item #3(c) Transportation Disadvantaged Local Coordinating Boards - Member Appointments and Certifications for the Glades and Hendry County Joint Local Coordinating Board; Agenda Item #3(d) Toll-Rattlesnake DRI - Request for Sufficiency Response Extension; and Agenda Item #3(e) Big Cypress DRI - Request for Sufficiency Response Extension. The motion carried unanimously.

**AGENDA ITEM #4(a)  
Lower West Coast Watershed Subcommittee - Implementation Status Report  
Vice Chairman Mick Denham**

Vice Chairman Denham explained that Mr. Jim Beever of staff will be presenting the report.

Mr. Beever gave a PowerPoint presentation on "Addressing Major Environmental Problems of Southwest Florida with the Lower West Coast Watersheds Subcommittee."

Vice Chairman Denham recommended that the Council approve the subcommittee's efforts.

Commissioner Judah moved and Ms. Holquist seconded to give general support of the committee's implementation plan and its efforts. The motion carried unanimously.

Councilwoman Heitmann asked Vice Chairman Denham is he was familiar with the situation of the City of Naples being cited by Commissioner Bronson of having an ordinance eliminating copper. Vice Chairman Denham stated that he had read it in the newspaper.

Councilwoman Heitmann explained that local waterways have been tested and that high levels of copper were found because copper was being used to maintain the algae in the lakes.

Commissioner Judah stated that Lee County has copper issues within Estero Bay from discharge of Ten Mile Canal.

Mr. Iglehart explained that the City of Naples issue is because of the copper sulfide that was being used for algacides in water bodies that flow directly into portions of Naples Bay. The idea was that since Naples Bay does have elevated levels of copper reduce that inflow. Most historic marina facilities have elevated levels of copper as a result of bottom paints and wood treatments used. Any bays or estuary that receives water from a canal or development generally has elevated copper levels. So the City of Naples enacted a copper sulfate ordinance and the Department of Agriculture and Consumer Services informed the City of Naples that you cannot have an ordinance that restricts the use of pesticides/herbicides because the State determines how that should be applied through the labeling.

Chairman Humphrey stated that he was under the impression that local governments could adopt more stringent procedures.

**AGENDA ITEM #4(b)**  
**SWFRPC's Annual Budget - Ms. Nancy Doyle & Ms. Janice Yell**

Mr. Heatherington reviewed the item as presented. Mr. Heatherington gave the Executive Committee report by noting that he did ask for discretionary authority in terms of replacement income that if staff is successful in applying for grants and receiving grants that they need to be rewarded. If the Council is successful in increasing its income and reserves then he feels discretionary authority is appropriate. Chairman Humphrey has requested that any amendment to the budget be brought back to the Executive Committee for review and approval and also any merit increase to staff also be brought before the Executive Committee for review and approval.

Mr. Heatherington explained that another issue that was discussed at the Executive Committee was health insurance costs and also the issue of not having anymore retirees on the Council's health insurance.

Chairman Humphrey stated that all of the Executive Committee members were concerned about the salaries since most local governments have froze their salaries for their staff, so the Executive Committee members felt that the Council should follow suit, while the committee appreciated the efforts of the staff, considering the economic conditions the committee felt that we should not

authorize any increases or recommend to the Council any increases at this time. The committee also was concerned about the Council's reserves, health insurance, and retirement.

Mr. Heatherington noted that the Council has an annual cost savings of approximately \$3,600 by changing their vendors and/or negotiating their contracts (lawn maintenance, water cooler supply, pest control, etc.)

Vice Chairman Denham stated that another concern of the Executive Committee were the pension plans. Mr. Heatherington explained that the Council is part of Florida Retirement System. The Council is locked into a certain extent and the system has lost a great deal of money over the last year (\$8 billion) due to the economic situation but it is starting to recoup that money back up, based on the most recent FRS Report it stated that they are 106% of the retirement income necessary for most pensions and is one of the most stable retirement programs in the country.

Ms. Holquist stated that many local governments and organizations have reduced their planning staffs and since the Council's planning activities has reduced significantly what has been done with those extra hours, have those resources been moved to work on other projects or have positions been reduced. Mr. Heatherington explained staff has been moved around. Ms. Donley explained that there have been replacement grant funding/supplemental grant projects.

Mr. LeBeau asked if the Council is making any interest on the \$600,000 that is in reserves. Ms. Yell replied yes, there is an interest bearing account and the Council is also part of the government pool. She explained that the government pool's interest is 3-4%.

**Commissioner Skidmore moved and Mayor Burch seconded to approve the SWFRPC's Annual Budget for FY 09/10 as presented. The motion carried unanimously.**

#### **AGENDA ITEM #4(c)**

#### **Glades & Hendry Joint TD Program - TDSP Plan - Mr. David Hutchinson**

Mr. Hutchinson reviewed the item as presented.

Chairman Humphrey asked if the Stimulus funds could be used to purchase the bus needed. Mr. Hutchinson replied that there wasn't any Stimulus programs that would be supportive of the transportation disadvantaged programs and there was limited amounts of transit funding.

Mr. Limbaugh explained that there is capital program where providers, such as Goodwheels, can purchase buses with the capital program. They are currently working on grants for buses. There is no operating money for the trips which is constantly getting tested but there is money for upgrading the fleet.

**Mr. LeBeau moved and Mayor Puletti seconded to approve the draft Glades & Hendry Joint TD Program TDSP Plan. The motion carried unanimously.**

**WALK-ON AGENDA ITEM #4(d)**  
**North Port Gardens DRI - Request for Sufficiency Response Extension**

Mr. LeBeau asked if staff had ever come up with a fee schedule for DRI sufficiency extensions. He is getting very concerned about seeing the many requests for extensions on the monthly agendas and the staff time that is being put into preparing these items. This particular DRI has requested extensions for the past 17 months.

Ms. Donley explained that with the revisions of the Council's rules there is now a provision where now staff can invoice for work that is not currently covered under statute.

Mr. LeBeau asked why the applicant keeps going for extensions. Mr. Utley of staff explained that it is due to the economic times. He also noted that staff has had discussions with applicants and it has been noted that people have been coming back and showing interest in purchasing property so he expects to see the projects to start up again in the near future.

Vice Chairman Denham moved and Commissioner Tom Jones seconded to approve the request for sufficiency response extension. The motion carried unanimously.

**AGENDA ITEM #5(a)**

**2010 Strategic Intermodal System (SIS) Strategic Plan Update - Mr. Johnny Limbaugh, FDOT**

Mr. Limbaugh gave a verbal presentation.

Mayor Burch asked Mr. Limbaugh if the SIS system is eliminating the Florida Intra Highway System (FIHS) because that is where the local reserves come from and that is a big concern for local governments. Mr. Limbaugh explained that within the FIHS, there are only a few roads within Florida that are part of the FIHS which was the buzz word before SIS. Statutorily FDOT is required at a minimum to place 50% of the funds toward the FIHS and now it is being called SIS because FIHS is the roadway network that is being considered the SIS, except for one roadway in Lee County (SR78), which is a FIHS facility which did not make the SIS list. He then explained that FDOT is in the process of doing away with the FIHS language and referring directly to the SIS.

Commissioner Chapman asked Mr. Limbaugh that when he referred to the South Central Florida Express what upgrades were for the rail corridor. Mr. Limbaugh explained that for Southwest Florida, FDOT's vision is to make sure that corridor stays intact. In some cases the railroad get abandoned and the right-of-way gets turned back to the adjacent property owner(s). FDOT's plan is to preserve the rail corridor in its entirety and make sure it is viable so as when the MPOs do their long range plans, the future could be as a mass transit type corridor by moving people or increase freight movement capacity with warehouse facilities.

Commissioner Chapman stated that his second question has the increased emphasis on the inner-regional connectivity as opposed to a corridor development. The patch between Clewiston and LaBelle of SR80 which is two-lane, the Hendry County BOCC recently passed a resolution stating that instead of costing \$20 million it is going to cost \$7 million to complete the upgrade and Hendry County would like to see more of SR80 four laned. He then asked what the status of the

project is. Mr. Limbaugh explained that FDOT's most recent bid did come in \$7 million lower than what was originally anticipated. He explained that he is seeing most of the savings on the overhead.

Commissioner Halas asked Mr. Limbaugh is there is anyway that FDOT can conduct negotiations with the property owners to buy back the rail corridors, such as Immokalee. It seems to him that it would go very well if we could re-establish the right-of-way and tie it in with the possibility of interfacing that with the Immokalee Airport. Mr. Limbaugh stated that scenario maybe a viable alternative; however we would have to identify the public necessity for using the funds to purchase the right-of-way back.

Commissioner Halas stated that as the State of Florida grows we really need to look at trying to increase rail because he feels that it is a better way of moving goods rather than continually building highways. Mr. Limbaugh stated that the MPOs would agree and had a recent discussion on conducting a Southwest Florida Rail Visioning Session.

Councilman McCormick stated that he sees a high degree of duplication and the City of Punta Gorda is well represented through their MPO, but is that also the case with the other MPOs. Is there a lot of overlap between the other MPOs?

Mr. Don Scott, Director of the Lee County MPO explained he has placed that item on the Lee County MPOs agenda for discussion because he had received a call from the City of Punta Gorda staff regarding the issue and obviously there is a lot of stimulus money for rail projects but we really don't have a rail component to point to. One of the things that the Lee County MPO is in the process is updating their Long Range Plan, he put the issue on the agenda to discuss what can be done as Collier, Lee, Charlotte, and DeSoto Counties look at the corridor in the future. One thing mentioned was doing a feasibility study.

Commissioner Beck asked Mr. Limbaugh when FDOT is prioritizing the roadways are they taking into consideration the number of vehicles or the carbon footprint. Mr. Limbaugh stated that FDOT is committed to Glades County and is aware of CR74.

Dr. Elkowitz asked if FDOT has taken into consideration the Inland Port project. Mr. Limbaugh explained that once a location has been chosen that FDOT will take proper action.

Ms. Holquist stated that according to the information contained in the agenda packet under the FDOT's Stimulus Package, the Metro Parkway project only has \$5 million associated with it. Mr. Limbaugh clarified that the \$5 million was from the local side. The Metro Parkway project is a \$57-60 million project. There was District discretionary funds and then there was approximately \$8 million of local money that came to the Lee County MPO.

Mayor Burch stated that another issue that we may face is a bonding issue. He would caution all local governments when they are looking at bids for the jobs because he feels that contractors are going to be walking away from jobs because they simply cannot perform the job that they originally priced the job for.

Chairman Humphrey stated that the City of Fort Myers has seen a reduction of 35-40% in bids for the SR82 project. He then stated that with the bids coming in so much less than originally anticipated he hopes that the remainder of the funds could be used for the widening of SR82 and additional improvements. Mr. Limbaugh explained that \$60 million was the original estimate of the SR82 project through some BE opportunities and lowering the profile grade the estimate of the project is \$35 million, so actually it is a good thing because of some budget cuts which would be removal of some trip funds if there wasn't a better estimate the project would have been lost.

#### AGENDA ITEM #5(b)

Rural Lands Stewardship - Commissioner Jim Coletta, Mr. Bob Mulhere & Mr. Alan Reynolds

Commissioner Coletta gave an overview of the Rural Lands Stewardship program; he then introduced Mr. Alan Reynolds from WilsonMiller.

Mr. Reynolds gave a PowerPoint presentation on the Collier County's Rural Land Stewardship program.

Commissioner Halas asked that with the update what the projected population buildout is. Mr. Reynolds replied that the county is relying on is the result of interactive growth model and it is projected to be 250,000 persons at buildout, which projected to be no earlier than 2050.

Mr. LeBeau asked if the 453,000 acres is still on the tax rolls. Mr. Reynolds replied yes. Mr. LeBeau asked who is paying the property taxes. Mr. Reynolds replied the property owners.

Mr. Bob Mulhere of RWA gave a verbal presentation on the public policy issues.

Chairman Humphrey asked how the values set for the properties are. Mr. Reynolds explained that the property appraisers set the land values, but typically the land that is placed in a SSA designation is going to retain its existing agricultural uses, so what is eliminated is the right to develop at the residential density. Mr. Mulhere stated that you are getting a significant increase taxable value in the receiving designated areas and so in Collier County there was a net gain.

Mr. LeBeau stated that another concern that he has is that the state, local and federal governments own over 60% of the land within Collier County, is this just another way of stopping growth in the State of Florida. Commissioner Coletta replied no, it guarantees you the right to be able to continue growth at a predictable rate to the future.

Dr. Elkowitz asked other than conservation what other incentives are there for the landowners in the benefits program and secondly how does the program deal with inheritance. Mr. Reynolds explained that the incentive to the property owner is that they can take an asset that they have that is unutilized which is future development rights and they can monetize those unused development rights in form of credits that can be sold, so they can actually get some value today for rights that they may not want to use for 10 to 20 years.

Dr. Elkowitz asked if the landowner has to obtain the local government's permission. Mr. Reynolds replied yes, the landowner has to go through the local government to create the sending area but it is a very straight forward process to get the land designated as a sending area. It is a more difficult process to obtain the development rights in a receiving area.

Ms. Holquist stated that it is important that both Ave Maria and Big Cypress had to go through the DRI process in order to obtain the developmental rights and to make sure that there is central water and sewer so they are not creating anymore burden on communities. She then noted that her company had conducted a study on how many people are still moving to Florida and currently there are still 600 people moving to Florida everyday and in two years the number is expected to increase to 800 people per day.

#### AGENDA ITEM #5(c)

#### Visioning Report Presentation - Ms. Kathie Ebaugh, Bell David Planning Group, Inc.

Ms. Ebaugh gave a PowerPoint presentation on the Visioning Report.

Vice Chairman Denham asked Ms. Ebaugh on how she sees the process helping the poorer inland counties (i.e., Glades and Hendry). Ms. Ebaugh explained that unlike the other visioning processes the region was divided within three components and will be worked at a sub-regional and a regional level. The sub-regional level will include DeSoto, Hendry, and Glades Counties. The regional level would include Sarasota, Manatee, Charlotte, Collier and Lee Counties. She then explained that by dividing the counties up, especially for the inland counties, it will help because they develop for themselves on how they contribute to the region as a whole and what issues do they need to make sure that the region as a whole is helping out. So we see the agricultural counties as being critical to our overall success economically, culturally, and recreationally, but that they have unique issues that are distinct to themselves that the coastal counties don't face and by working on both a sub-regional and regional level those issues will be addressed.

Ms. Holquist asked that for next year's budget, besides Mr. Heatherington's time being included are there any other line items budgeted for the visioning process. Mr. Heatherington explained that if the funding for the SRPP update comes through from DCA that would cover a large part of the regional plan, framework and implementation aspect. But staff is waiting to see what happens with the legislative session and what is included in the upcoming contract.

Ms. Holquist asked what would be the demand of staff and the resources of the Council financially for this program. Mr. Heatherington replied that he was not sure at this time and it was part of the management organization and the structure that is decided upon.

Ms. Holquist suggested that the first step is to come up with a budget for the process and present it at the time when you are asking for approval of the 501C3 with a really good introduction and also with what resources from the Council are going to be required so the Council has a full understanding of what is expected.

Ms. Ebaugh explained that what she was asking for at this point was part of the budget consideration is that we need to be able to go out and do the fundraising and then come back and with a budget and states not only do we have a budget but we have been working on these

fundraising efforts and we have this amount of assurance. She then stated that what she was asking from the Council was approval to move forward with the organizational structures which includes setting up the 501C3, start the fundraising and then come back to the Council with something more solidified.

Mr. Elkowitz stated that he sees the process as being another layer of government. The Council has already proposed regional development such as the Inland Port which it has never been followed through to find out if other states or other counties are competing. There are projects concerning water which nobody is moving ahead with, except for the Lower West Coast Watersheds Committee. So he sees this process as another layer wasting more time and money to get to a point that has already been discussed. Ms. Ebaugh stated that she can understand his frustration but when it comes to those separate issues that are the purpose of having a regional vision plan that it can be pulled all together. Dr. Elkowitz then stated isn't that the purpose of the Council, he doesn't mind having more improvements made in technology, health care, etc. but when it comes out that we have to wait another year or two to develop a fundraiser and another committee to find out what our problems are when we sat here for a whole year discussing what our problems are and not moving forward to a solution.

Chairman Humphrey stated that he has had the opportunity of seeing the presentations of both One Bay and particularly MyRegion and he was very impressed because they were able to bring it together and spurred us on like we were on with water management issues because of the fact, for him when they started presenting the maps of just each city and county in that region had planned for the way of development, density and intensities of use everyone was taken back.

Commissioner Coletta suggested placing the item on the Council agenda for future discussion.

Chairman Humphrey agreed with Commissioner Coletta's suggestion and stated that he would really like to review the positive affects that it has had on the other regions.

Ms. Ebaugh noted that at that time she would have the full report available for review.

Vice Chairman Denham addressed Dr. Elkowitz's concerns by stating that sometimes the Council takes on more issues than it can handle. At the March meeting the Council discussed green energy and solar energy initiative that the Council decided to undertake. In his opinion is the way to get things done quickly is to limit the number of projects you take on.

Commissioner Chapman stated that he would like to see in the next presentation what are you trying to accomplish specifically and what are some of the metrics.

**AGENDA ITEM #5(d)**  
**Economic Stimulus Package Update - Ms. Liz Donley**

Ms. Donley reviewed the item as presented.

**AGENDA ITEM #5(e)**  
**FDOT Stimulus Update - Mr. David Hutchinson**

Mr. Hutchinson reviewed the item as presented.

**AGENDA ITEM #5(f)**  
**Growth Management Legislation - Mr. Ken Heatherington**

Mr. Heatherington reviewed the item as presented.

**AGENDA ITEM #5(g)**  
**Other Emerging Regional Issues**

Commissioner Chapman stated that he was an officer of the US Sugar Corporation and that "today will be a defining day."

**AGENDA ITEM #6**  
**PUBLIC COMMENTS**

No public comments were made at this time.

**AGENDA ITEM #7**  
**DIRECTOR'S COMMENTS**

Mr. Heatherington announced that the May 21<sup>st</sup> Council meeting will be held offsite at the Big Cypress Indian Reservation in Clewiston and he made arrangements with ULI for a 70 passenger bus with pop-down screens available at no cost. The plan is to leave the Council's offices at 8:30 am on the 21<sup>st</sup> and head down I-75 and stop at the CR951 exit at Cracker Barrel and pick-up the Collier County representatives and then continue onto to the Big Cypress Indian Reservation. We are planning on having the joint meeting with the Tribal Council at 10:00 am and then we are scheduled for a tour of the museum and lunch at noon at the Swamp Water Café. At the March meeting it was opened up for the members to bring their spouses, so while the joint meeting is being held the bus will be available if anyone who would like to go to take a swamp buggy ride or airboat ride. After lunch we will depart and on the way back we will be stopping at Ave Maria University with a tour of the Oratory and then be back to the Council's offices around 3:30 pm.

Ms. Holquist asked if there is going to be an agenda for the meeting. Mr. Heatherington replied yes, but it is going to be very light. It is going to be an entertainment day and getting to know the Seminole Tribe and what their needs are. Ms. Holquist asked if the visioning report would be on the June agenda. Mr. Heatherington replied yes.

Mr. Heatherington stated that the Florida Association of Counties meeting is scheduled in Marco Island on June 25<sup>th</sup> and the Council's June meeting is June 18<sup>th</sup>, he was concerned that there would be a problem with obtaining a quorum and asked if there was any consideration in the possibility in holding the June meeting at the Florida Association of Counties meeting in Marco Island.

Chairman Humphrey suggested polling the members to see if there will be a conflict for the June 18<sup>th</sup> meeting.

Mr. Heatherington announced that the July and August Council meetings will probably be cancelled. The September 17<sup>th</sup> Council meeting is scheduled to be held at Kimal Lumber in Venice and the October 15<sup>th</sup> Annual Council meeting is scheduled to be held at the Charlotte Harbor Event Center, along with the "State of the Region" Conference on October 17<sup>th</sup>.

**AGENDA ITEM #8  
STATE AGENCIES COMMENTS/REPORTS**

FDEP - Mr. Iglehart announced that FDEP received \$137 million in Stimulus funds to the State Revolving Loan Fund for wastewater infrastructure.

**AGENDA ITEM #9  
COUNCIL ATTORNEY'S COMMENTS**

Ms. Donley announced that the Council did submit a comment to a state rule change asking that regional planning councils also be eligible to apply for the State Energy Efficiency Block Grants.

**AGENDA ITEM #10  
COUNCILMEMBERS' COMMENTS**

Vice Chairman Denham stated that he feels that the meetings should be limited to no more than two presentations because it seems that we lose half of the members.

Dr. Elkowitz suggested that there be monthly reports given on the Council's committees.

Commissioner Tom Jones stated that because of the discussion on the visioning report that North Port had invited representatives from Sarasota, DeSoto, and Charlotte Counties to discuss economic development stimulus efforts for visioning. He also noted that the City of North Port does have a vision organization that is funded by the Gulf Coast Community Foundation.

Mr. Heatherington explained that the Council's effort is not to duplicate what the municipalities are doing, but to look at a more regional aspect.

AGENDA ITEM #11  
ADJOURN

The meeting adjourned at 12:10 p.m.

  
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Commissioner Paul Beck, Secretary

The meeting was duly advertised in the April 3, 2009 issue of the FLORIDA ADMINISTRATIVE WEEKLY, Volume 35, Number 13.